

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Scott Hutchison Enterprises, Inc., et al.	:	CASE NO: C-1-01-776
	:	
Plaintiffs	:	Judge Weber
	:	
vs.	:	
	:	
Rhodes, Inc., et. al.	:	
	:	
Defendants	:	

**JOINT SUPPLEMENTAL STATUS REPORT ON PENDING MOTIONS AND
REQUEST FOR MODIFICATION OF SCHEDULING ORDER OF 4/27/06**

Come now the Plaintiffs, and Cross Claimant Boggs, parties to the within litigation, and hereby submit their JOINT SUPPLEMENTAL STATUS REPORT, AND REQUEST FOR MODIFICATION OF SCHEDULING ORDER OF 4/27/06 as follows:

JOINT STATUS REPORT:

PLAINTIFFS AND CROSS CLAIMANT H.T. BOGGS' separately filed dispositive motions and supporting documents were timely filed and remain pending as follows:

- a) Plaintiffs' Motion for Summary Judgment against Defendants Rhodes, Zimmer and Geisler (and Memorandum In Support were filed February 10, 2006);

- b) Cross Claimant Boggs' Motion for Summary Judgment against Defendants Rhodes, Zimmer and Geisler , (and Memorandum In Support were filed February 10, 2006);
- c) Proposed Findings of Fact and Conclusions of Law (Jointly Submitted by Plaintiffs and Cross Claimant February 13, 2006);

No response or opposition to these motions, nor any Counter Statement of Findings has been filed, although required to be served and filed within 20 days after filing of the above described Motions and Proposed Findings of Fact and Conclusions of Law.

Plaintiffs and Cross Claimant H.T.Boggs believe that the pending motions are dispositive of all issues remaining in the case, and may therefore obviate the need for a trial. However, the Court's ORDER OF 4/27/06 (Copy attached as Exhibit A), provides that Counsel shall file their **Joint Final Pretrial Order by July 7, 2006**, and that this case shall proceed to **trial in the August 2006 trial term**.

Because the anticipated rulings on the pending Motions for Summary Judgment are expected to significantly influence the Final Pretrial Order, or possibly eliminate the need for it entirely, it is respectfully requested that the Court's ORDER OF 4/27/06 be modified to state that Counsel shall file their Joint Pretrial Order by August 18, 2006, and that the Trial be rescheduled to the October trial term, in order to allow for rulings on the pending motions to be made and considered prior to the filing of the Joint Pretrial Order.

Respectively submitted,

/S/ William P. Schroeder

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: E. David Marshall at edavidm@iglou.com; and Thomas Robert Schuck at schuck@taftlaw.com and **I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:**

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/S/ William P. Schroeder

William P. Schroeder

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SCOTT HUTCHISON,
Plaintiff,

v.

RHODES, INC., et al,
Defendant

: Case No.: C-1-01-776

: (Judge Herman J. Weber)

:
ORDER

The Joint Request (#158) for Modification of the Scheduling Order is GRANTED. Parties are advised that Trial in the above styled case is RESCHEDULED to the August 2005 trial term. Counsel shall file their Joint Pretrial Order on or before July 7, 2006.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court